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C O N F I D E N T I A L SECTION 01 OF 03 DILI 000121

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TAGS: [PGOV](#) [KDEM](#) [UN](#) [TT](#)
SUBJECT: ELECTION POLICY RECOMMENDATIONS

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REASON: 1.4 (d)

11. (SBU) Summary: Our overarching policy continues to be focused on supporting a credible elections process that expresses the will of the Timorese people. The UN Elections Certification Team (UNECT) continues to provide detailed analysis of the many metrics that can be measured in making this determination, especially on the legal and operational issues. The UN and other international players, including USG-funded organizations, are providing vital technical and logistical assistance. We must also keep our eyes on these matters, encouraging the resolution of key outstanding issues raised by UNECT, and through USAID helping to fill important assistance gaps. However, perhaps the most important role we can play is to focus on the broader political environment. We should, in coordination with the UN and our diplomatic partners, send a clear and public message to the voting public, the candidates, political leaders, and important Timorese institutions. This message needs to push beyond the current public discourse on the color of ballot boxes and the design of ballot papers - important issues that nonetheless are arguments of the elite with little resonance among the populace - to emphasize the basic goals and principles of the election process and the civic responsibility entailed for every Timorese citizen. End summary.

Our message

12. (C) In the lead up to the April 9 presidential elections, our message to the range of electoral actors, from the voting public to key national leaders, should focus on the following:

a. The question of whether or not party symbols are used on the ballot must be resolved quickly and amicably in order to prevent any further delay in the printing of ballots. It may already be too late for resolution in time for ballots to be printed and ready for April 9. Nonetheless, the urgency of resolving this

matter remains. This message must be delivered in the coming few days, to top leadership, including President Xanana Gusmao, the ruling Fretilin Party, and all presidential candidates.

b. The use of state resources by any individual in the course of campaigning for any candidate or party is unacceptable and a violation of basic international principles. This message can be incorporated into the "basic principles" message below (item d.). However, it primarily applies to Fretilin and therefore should be addressed to key Fretilin officials.

c. A number of problems remain in the legal framework for the elections. There is still time to address key issues and as we have seen, the Government can act quickly to present laws to the Parliament, and Parliament is capable of quick passage of laws when pressed. SRSg Atul Khare reported to us on March 22 that he is conveying a strongly worded letter to national leadership regarding the importance of addressing key outstanding issues, with an emphasis on problems in the legal structure. Post plans to support this message in our interactions and seek out additional meetings, particularly among Fretilin leadership, to further emphasize the issue. Among the items we believe most urgently need to be addressed, whether in the laws or regulations, are:

-- Clarification of the current ambiguity regarding what identification is acceptable in order to vote. The lack of clarity could cause confusion and the possible turning away of legitimate voters on election day, with important implications for legitimacy and acceptance of the outcome.

-- Increased time for the submission of complaints. Current deadlines have been cited by UNECT as so tight as to be potentially useless.

-- A rationalized system for ballot counting. Both the current law and the amendment that is pending promulgation attempt to split the difference between proponents of polling station

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versus district level counting. The result is more problematic than a clear choice one way or the other would be.

-- Exhibition and challenge arrangements for registration. The voter registration process has lacked proper public scrutiny and National Elections Commission (CNE) oversight. It is too late to undo this, but there is still an opportunity to allow for a proper period of exhibition and challenges of the voter rolls.

d. All candidates and their supporters should conduct themselves strictly according to the codes of conduct, using only legitimate means, without violence or intimidation, and respecting the right of all other candidates and parties to freely campaign. Those candidates who do not do as well as hoped, as well as their supporters, must still accept the outcome gracefully as part of the democratic process. Any complaints about the conduct of the elections or challenges to the legitimacy of the results must be conducted through legitimate means. We plan to deliver this message at all opportunities, and will specifically seek out meetings with all candidates and campaign heads to emphasize this. In addition, we are exploring the possibility of delivering a joint public message, to be relayed via the media, with other members of the diplomatic community. (Note: In this context, we believe it is also important to impart this message to the Timorese armed forces (F-FDTL). US Defense Representative will be discussing with key F-FDTL leaders over the coming days F-FDTL's constitutional obligations to refrain from interfering in the electoral process, an obligation that is also spelled out in the electoral laws. End note.)

13. (SBU) In preparing for the April 9 election outcome, Post is preparing the ground work to deliver a unified message in close consultation with the UN and diplomatic partners immediately following the elections. UNECT has informed us that the likelihood of them declaring the elections as fundamentally

illegitimate is minute and would only occur in the context of extreme circumstances not foreseen at this time. The wide perception that they will either give the election a stamp of approval or "de-certify" is a misunderstanding of their mission.

Rather, they expect to produce a final report as a kind of comprehensive score card on the elections, intended to be used as a reference for further improving the conduct of future elections, including any second round of the presidential election and the upcoming parliamentary elections. Therefore, the question of "will the elections be certified" appears to no longer be the most relevant. If circumstances were to occur resulting in UNECT rejecting the legitimacy of the elections whole cloth, this would in all likelihood be a conclusion shared by the UN and diplomatic community at large.

14. (U) The specifics of the message we deliver following the election will be largely determined by variables yet to be determined. However, preliminarily, our message should focus on: congratulating the Timorese people on the completion of the first national election run by Timorese electoral bodies; encouraging all players to accept the election outcomes as the valid democratic expression of the majority, regardless of whether their candidate won; highlighting the legitimate means available to all to file complaints or otherwise pursue grievances related to the conduct of elections or the outcome.

Urgent Logistical Obstacles

14. (SBU) In addition to conveying clear messages regarding our hopes and expectations for the elections, there may still be ways for the USG to provide assistance to fill crucial last minute gaps. We should continue to monitor election preparations and identify urgent needs where timely assistance could make a difference. Two examples of great logistical concern have come to our attention are:

a. The CNE has reported to us that while preparations for election day are coming along, they do not have any budget yet to cover the expense of phones for the commissioners and staff who will be in the field. Given the lack of hard phone lines,

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in many areas of the country, mobile phone connectivity will be vital to CNE's work during the day and their ability to seek and convey decisions on polling issues.

b. Aside from potential printing delays resulting from the ballot design controversy (para 2.a.) there may be significant logistical problems with completing the ballot printing on time.

At present there is only one machine in place; a second has yet to arrive from Kupang (scheduled to arrive over the weekend). This single machine must print 650,000 ballots in time for distribution to over 700 polling stations. Even without any breakdown, this will present a significant challenge and may not be possible. UN sources say that printing must start by March 26 and experience no problems to finish printing five days ahead of the vote and thus ensure on-time delivery of all ballots to polling stations, 80 of which are remote enough to require helicopter or foot delivery.

15. (U) Comment: The Presidential elections in a real sense are a primer for the Parliamentary elections which will play out in a much bigger way due to the power that is at stake. Flaws in this election are not as fatal but smooth and basically fair and free elections will build confidence in the ability of the GOET and UNMIT to carry out the Parliamentary elections. End comment.

HARSHA